



# City of Marietta

## Meeting Minutes

### JUDICIAL/LEGISLATIVE COMMITTEE

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

*Philip M. Goldstein, Chairperson  
Van Pearlberg  
Jim King*

Monday, November 24, 2008

Fourth Floor Conference Room

#### Immediately following the Parks, Recreation and Tourism Committee

**Presiding:** Philip M. Goldstein

**Present:** Jim King and Van Pearlberg

***Also Present:***

*William B. Dunaway, Mayor*

*Annette Lewis, Council - Ward 1*

*Grif Chalfant, Council - Ward 2*

*Holly Marie Walquist, Council - Ward 3*

*Rev. Anthony Coleman, Council - Ward 5*

*William F. Bruton, Jr., City Manager*

*Douglas R. Haynie, City Attorney*

*Stephanie Guy, City Clerk*

#### **CALL TO ORDER:**

*Chairman Philip M. Goldstein called the meeting to order at 6:34 p.m.*

#### **MINUTES:**

##### **20081401 Regular Meeting - October 29, 2008**

Review and approval of the October 29, 2008 regular meeting minutes.

**A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Approved. The motion carried by the following vote:**

**Vote: 3 - 0 - 0**

**Approved**

#### **BUSINESS:**

##### **20081433 Municipal Court Bond Schedule**

Ordinance approving the new order of Bond Schedule and Posting of Appearance Bonds in Municipal Court.

**A motion was made by Council member King, seconded by Council member Goldstein, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 2 - 1 - 0**

**Recommended for Approval - Consent Agenda**

Vote Against: 1 - Van Pearlberg

**20080863      Nuisance Abatement**

Request for a discussion by Councilmember Anthony Coleman relative to nuisance abatement at the recycling center located at 311 Marble Mill Road and Allied Waste Transfer Station at 325 Marble Mill Road.

*Mayor Dunaway disclosed that he is the owner of the property where Marietta Recycling Center is located. Mayor Dunaway left the conference table during the discussion.*

**This matter was Discussed.**

**20081154      Tree Ordinance**

Discussion of tree ordinance and sustainability requirements as requested by Councilman Grif Chalfant.

**This matter was Tabled.**

**20080725      Ethics Committee Recommendation**

Approval of an Ordinance amending Code Section 1-14-4-180, Section 1, Advisory Opinions to read "Should the Ethics Committee not render an opinion prior to the time discussion on the matter occurs or a vote is taken on the matter or issue, the elected official may make a written request of the City Attorney for an opinion on the matter and setting forth the facts and circumstances. The City Attorney shall render a ruling if there is or is not a conflict and/or prohibition on the elected official's participation and/or voting and shall send a copy of his opinion to the members of the Ethics Committee and file a copy with the City Clerk. The elected official shall be able to rely upon the City Attorney's ruling. If a complaint is filed against the elected official based upon the elected official's vote or participation on the matter, the Ethics Committee shall dismiss the complaint.

The Ethics Committee may review the opinion of the City Attorney. If the Ethics Committee disagrees with the ruling of the City Attorney, future participation or vote by the Elected Official would not have the protection of the City Attorney's Opinion on the stated facts."

*This matter was discussed and amendments were suggested by Council. The City Attorney was asked to make changes and bring back another draft of the ordinance.*

**A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Referred to the COMMITTEE OF THE WHOLE. The motion carried by the following vote:**

**Vote: 3 - 0 - 0**

**Referred**

**20081368      Council Calendar**

Approval of a Resolution for the establishment of dates, time and place of regular Council Meetings for 2009 in accordance with O.C.G.A. Section 50-14-1(2)(d)

and the Marietta City Charter Section 2.9(a), does hereby designate the following dates, time and place of the Regular City Council meeting for the calendar year 2009 on the 2nd Wednesday of each month at 7:00 p.m. with the exception of the following:

Wednesday, April 15, 2009

Monday, November 9, 2009

**A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 3 - 0 - 0**

**Recommended for Approval - Consent Agenda**

**20081414 Sessions Street Property**

Request by Councilman Van Pearlberg to proceed to remove the restriction in deed of 1910 re: water works bldg. on Sessions Street so city can sell the property.

**This matter was Discussed.**

**20081425 Change in Hotel Occupancy Tax Ordinance**

Ordinance Amending Section 8-32-040 of City Code to clarify period of taxable occupancy.

**A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 3 - 0 - 0**

**Recommended for Approval - Consent Agenda**

**20081281 Sign Ordinance Revision**

Discussion regarding electronic reader boards and off premise signs

**This matter was Discussed.**

**ADJOURNMENT:**

*The meeting was adjourned at 8:06 p.m.*

**Respectfully submitted,**

\_\_\_\_\_  
**Stephanie Guy, City Clerk**

**Approved:** \_\_\_\_\_